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District wants corrected tax bill

Gilroy Unified School District staff look to recover $6 million lost in accounting error

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GILROY

The Gilroy Unified School District will likely send taxpayers a corrected property tax bill in the coming months to recoup $6 million in uncollected property taxes, according to district staff.

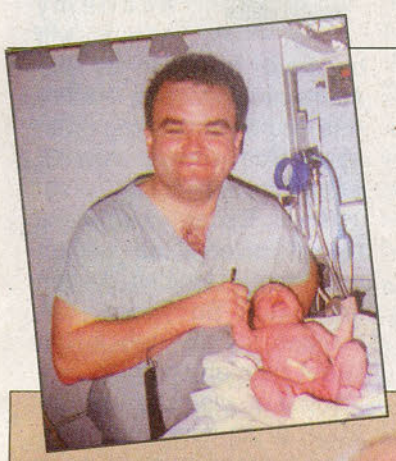
"The option is clear," said Deputy Superintendent of Business Services Enrique Palacios. "The approach we've been taking since the get-go is that the county has to issue a corrected tax and it needs to be done fairly quickly."

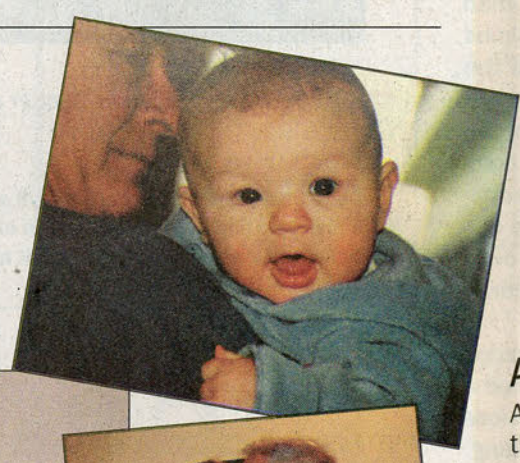
Neither the school district nor the county knew what costs will be associated with sending out a corrected tax bill.

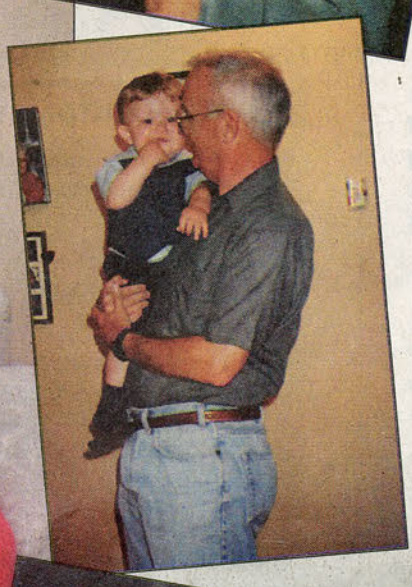
An accounting error sparked the omission of the Measure J

TURN TO **BOND · A6**

'NOTHING TO LOSE'







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Son's, grandson's murders galvanize family to fight for bail reform

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GILROY

David Bagby starts many sentences with "To make a long story short ..."

But the story of his son's brutal murder and the subsequent drowning of his grandson at the hands of the same woman isn't a short story. It's a string of perplexing events that began Nov. 5, 2001, and still isn't over. It's a part of his life Bagby calls a "dance with the devil."

Andrew Bagby – or "Bags" as his friends call him – was a man who amassed more friends than most during his 28 years. He was a man whose smiling eyes and kind heart put friends, colleagues and strangers at ease. He was a man with great stories and a knack for telling them. Andrew Bagby had no enemies – or so his friends and family thought.

A man searching for aluminum cans in Keystone State Park – located near New Alexandria in southwest Pennsylvania where Bagby was a physician at the Latrobe Area Hospital – found Andrew Bagby face down on blood stained gravel, covered with a thin layer of frost, early in the morning of Nov. 6, 2001. Forensic analysis showed that five bullets, fired at point blank range, ended his life. The prime suspect: Dr. Shirley Turner, a twice-divorced and considerably older mother of three Andrew Bagby casually dated while attending medical school in Newfoundland, Canada.

Local police called the Bagbys,

TURN TO **BAGBY · A6**

MORE ON THE STORY

- 'Dear Zachary: A Letter to a Son About His Father' is available on DVD
- "Dance with the Devil" can be ordered at large book retailers
- Visit www.dearzachary.com and click on 'support bail reform' to find addresses for Canadian Members of Parliament and the Minister of Justice and Attorney General

ABOVE CENTER: Dave Bagby holds a photo of Zachary, then 1, as his wife Kate holds a photo of their son, Andrew, taken in 1998.

CLOCKWISE FROM TOP LEFT: Andrew Bagby after delivering his first baby during medical school. Zachary, then 2 months old. Dave with his grandson Zachary. Kate with Zachary, then 1, at his mother's house.

BAGBY ▪ Set of horrifying events fuel parents' crusade for reform

CONTINUED FROM · A1

who were living in Sunnyvale at the time, and told them to contact the Penn. coroner's office, who informed them of their son's death.

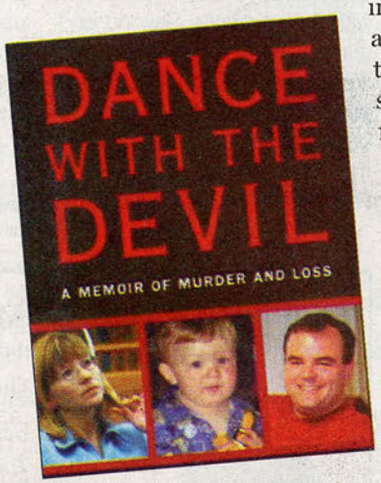
"We were just – words don't quite do it," said David Bagby, he and his wife sitting opposite each other on the couch in their newly unpacked living room in northwest Gilroy. "Devastated. Appalled. Dead."

We were done," Kate Bagby said, finishing her husband's thought, a quirk of their relationship that became apparent during a several-hour recount of how their lives spiraled out of control after that phone call from police.

The pair planned to take care of the minutiae of dealing with a lost loved one, fly back to California and kill themselves.

"We did not want to be here without Andrew," David Bagby said.

The support of their loved ones pulled them back from the edge, but the situation continued to get more twisted.



Dave Bagby wrote 'Dance With the Devil.'

A week after Andrew Bagby's murder, while American police were building a case against her, Turner fled to her native Canada.

Then, 8.5 months after Andrew Bagby was murdered – July 18, 2002 – Turner gave birth to a boy, who she named Zachary Turner. Andrew Bagby, who never knew Turner was pregnant, was the father.

Zachary's arrival pierced the hatred toward Turner that flooded the Bagbys' lives after they lost their only son.

"He was beautiful," Kate Bagby said, her face melting when the subject of conversation turned toward her grandson.

But their relationship with their grandson wasn't always as innocent as the images depicted in home videos of Zachary taking his wobbly first steps as a toddler on the rain soaked sidewalk or of Andrew Bagby's friends' first encounters with a miniature version of their beloved friend. The Bagbys moved their lives from Silicon Valley to Newfoundland to raise their grandson while Turner was in and out of police custody and up for extradition to the United States. After a short stint in a women's facility during the attempted murder proceedings, Turner was released on $75,000 bail. One Canadian judge released her on the condition that she behave and another gave her custody of Zachary Turner.

Months later, Shirley Turner's body washed up on a St. John's beach alongside the body of her son. The apparent murder-suicide ended the life of 13-month-old Zachary Turner, the only remaining piece of Andrew Bagby and the love of Kate and David Bagby's lives.

These events fuel the Bagby's crusade to reform Canadian bail laws to deny bail to accused murderers awaiting trial. If such laws had been in place, Zachary Turner would be 6 years old and wrapping up first grade. He would also be able to one day appreciate "Dear Zachary: A Letter to a Son About His Father," a documentary about Andrew Bagby that was released today on DVD.

Now an award-wining filmmaker, Kurt Kuenne met Andrew Bagby in first grade at St. Andrew's Episcopal School in Saratoga.

"We were instantly friends," he said.

Also among their group of friends was Matt Oetinger, the owner of Fernwood Cellars on Redwood Retreat Road.

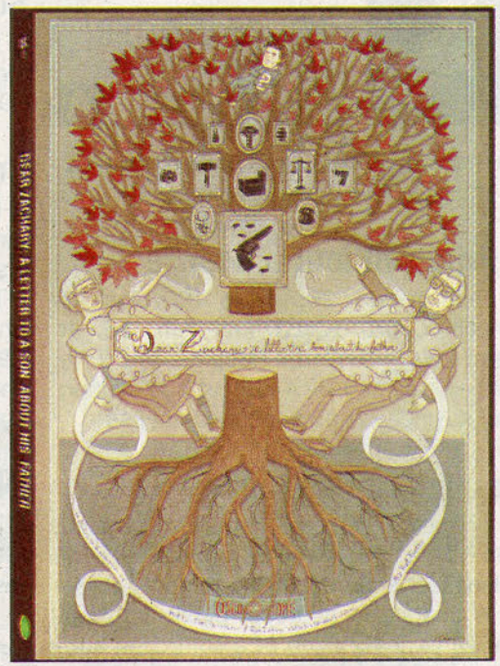
"He was the closest thing to a brother I had," Oetinger said. Choosing Bagby as his best man was one of the easiest decisions Oetinger ever made, he said.

Over the course of making "Dear Zachary," Kuenne met dozens of other people whose lives had been similarly touched by Andrew Bagby. He set out on an epic transatlantic journey to retrace the steps of his childhood friend, from California to Newfoundland to England – Kate Bagby's homeland and where Andrew Bagby spent his summers. Along the way, he learned how vast the reaches of his friend's influence were.

Condensing the saga into a neat, 90-minute package and parting with footage of Andrew's friends and family that he had become so attached to was the most difficult part of the project, Kuenne said.

"I wish I never had the opportunity to make this film," Kuenne said, adding that he'd rather have his friend Andrew alive. "But this project brought a lot of things into perspective. We are lucky to be alive. People see this film and realize that they are so incredibly lucky to have everything they need to be happy."

The film, in combination with David Bagby's national bestseller, "Dance with the Devil: A Memoir of Murder and Loss," has incited a firestorm of awareness surrounding the issue. Though the Bagbys shied away from media attention during the legal battle, "we'll talk to anybody with a microphone now," David Bagby said, hoping their actions will put political pressure on Canadian lawmakers to reform bail laws.



'Dear Zachary: A Letter to a Son About His Father' is a documentary about Andrew Bagby released today on DVD.

Though the Bagby's story isn't over, the love of friends and their work to spare the next family from a similar struggle keeps them going.

"When I get to heaven, I want Andrew and Zachary to say well done mum and grandmum," Kate Bagby said.

"We want this story in as many heads as possible because we want people as upset and angry as we are," David Bagby said. "We have nothing to lose anymore."